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Attorneys for Defendant, Scott M. Colabella, in his official capacity as Ocean County Clerk

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

<p>CHRISTINE CONFORTI,</p> <p style="text-align: right;">Plaintiffs</p> <p style="text-align: center;">vs.</p> <p>CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk, SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk, and PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk,</p> <p style="text-align: right;">Defendants</p>	<p style="text-align: center;">Civil Action No.: 3:20-cv-08267-FLW-TJB</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">ANSWER TO FIRST AMENDED COMPLAINT, SEPARATE DEFENSES JURY DEMAND, DESIGNATION OF TRIAL COUNSEL, and CERTIFICATION</p>
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Attorneys for Defendant, Scott M. Colabella, in his official capacity as Ocean County Clerk by way of Answer to the Complaint says:

NATURE OF THE CASE

1. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the

allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

2. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

3. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

4. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

5. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

6. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

7. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

8. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant,

denied and the answering Defendant leaves Plaintiffs to their proofs.

9. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

10. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

11. This paragraph does not contain any specific allegations against this answering Defendant. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

12. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

13. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

JURISDICTION AND VENUE

14. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

15. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

16. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

17. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

18. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

PARTIES

Plaintiffs

Christine Conforti

19. Admit.

20. Admit Plaintiff Conforti lost the election. With regard to the remaining allegations, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

21. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

22. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

23. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

Arati Kreibich

24. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

25. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

26. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

27. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

Mico Lucide

28. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

29. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

30. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

32. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

31. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

32. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

Joseph Marchica

33. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

34. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

35. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

36. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

37. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

38. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

39. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

40. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

41. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

42. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

43. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

Zinovia Spezakis

44. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

45. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

46. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

47. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

New Jersey Working Families Alliance, Inc.

48. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

49. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

50. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

51. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

52. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

53. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

54. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

55. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

56. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

Defendants

57. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

58. Defendant admits that Scott M. Colabella is the Ocean County Clerk and leaves Plaintiffs to their proofs regarding their statements and conclusions related to statutory duties and obligations.

59. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

60. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

61. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

62. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

63. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

64. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

65. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

STATEMENT OF FACTS AND LAW

A. Basic Ballot Layout

66. The subject ballots speak for themselves. This paragraph does not contain any specific allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

67. The subject ballots speak for themselves. This paragraph does not contain any allegations against the Defendant; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

68. This paragraph does not pertain to this Defendant and therefore no response is required and Defendant leaves Plaintiffs to their proofs.

B. Pivot Point

69. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, the ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law.

70. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, the ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law.

71. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, the ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law.

72. This paragraph contains statement and/or conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. With regard to this Defendant, the ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by

law and to the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

C. Bracketing

73. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. Further, the referenced statutes speak for themselves. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

74. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. Further, the referenced statute speaks for itself. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

75. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

D. Ballot Position

76. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. Further, the referenced statute speaks for itself. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

77. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither

admits or denies and leaves Plaintiffs to their proofs. Further, the referenced statutes speak for themselves. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

78. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

79. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this

Defendant, Defendant admits only to duties as bound or prescribed by law.

80. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

81. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

E. United States Senate and Gubernatorial Candidates

82. The referenced statute speaks for itself. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

83. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

84. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

85. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

F. Arbitrary Criteria for Ballot Advantage and Varying Standards of County Clerks

86. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

87. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law.

88. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations,

to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

89. The subject ballots speak for themselves. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and/or legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

G. Position Bias/Primacy Effect and Other Poor Ballot Design Features

90. This paragraph does not contain any specific allegations against this answering Defendant and/or it statement and contains conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

91. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statement and conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

92. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statement and conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

93. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

94. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

95. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

96. This paragraph does not contain any specific allegations against this answering Defendant and/or it contains statements and conclusions, as opposed to allegations, to which

no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

97. This paragraph does not contain any specific allegations against this answering Defendant and it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

98. This paragraph does not contain any specific allegations against this answering Defendant and it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

99. This paragraph does not contain any specific allegations against this answering Defendant and it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

100. This paragraph does not contain any specific allegations against this answering Defendant and it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

H. Conforti Ballot Draw/Ballot Placement

101. This paragraph does not pertain to this Defendant and therefore no response is required and Defendant neither admits or denies and leaves Plaintiffs to their proofs.

102. Admit as to this Defendant only.

a. Conforti's Monmouth County Ballot Draw and Ballot Placement

103. This paragraph does not pertain to this Defendant and therefore no response is required.

104. This paragraph does not pertain to this Defendant and therefore no response is required.

105. This paragraph does not pertain to this Defendant and therefore no response is required.

106. This paragraph does not pertain to this Defendant and therefore no response is required.

107. This paragraph does not pertain to this Defendant and therefore no response is required.

108. This paragraph does not pertain to this Defendant and therefore no response is required.

b. Conforti's Ocean County Ballot Draw and Ballot Placement

109. Admit, the ballot speaks for itself.

110. Admit, Defendant drew for ballot position based on U.S. Senate candidates first. The ballot speaks for itself and

the Defendant admits only to duties as bound or prescribed by law. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, neither admits or denies and leaves Plaintiffs to their proofs.

111. The ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied and the answering Defendant leaves Plaintiffs to their proofs.

112. The ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law. To the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, neither admits or denies and leaves Plaintiffs to their proofs.

113. This paragraph does not contain any specific allegations against this answering Defendant and it contains conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

c. Conforti's Mercer County Ballot Draw and Ballot Placement

114. This paragraph does not pertain to this Defendant and therefore no response is required.

115. This paragraph does not pertain to this Defendant and therefore no response is required.

116. This paragraph does not pertain to this Defendant and therefore no response is required.

117. This paragraph does not pertain to this Defendant and therefore no response is required.

I. Kreibich Ballot Draw/Ballot Placement

118. This paragraph does not pertain to this Defendant and therefore no response is required.

119. This paragraph does not pertain to this Defendant and therefore no response is required.

120. This paragraph does not pertain to this Defendant and therefore no response is required.

121. This paragraph does not pertain to this Defendant and therefore no response is required.

122. This paragraph does not pertain to this Defendant and therefore no response is required.

123. This paragraph does not pertain to this Defendant and therefore no response is required.

124. This paragraph does not pertain to this Defendant and therefore no response is required.

125. This paragraph does not pertain to this Defendant and therefore no response is required.

J. Atlantic County Ballot Draw/Ballot Placement and Lucide's Upcoming Primary

126. This paragraph does not pertain to this Defendant and therefore no response is required.

127. This paragraph does not pertain to this Defendant and therefore no response is required.

128. This paragraph does not pertain to this Defendant and therefore no response is required.

129. This paragraph does not pertain to this Defendant and therefore no response is required.

130. This paragraph does not pertain to this Defendant and therefore no response is required.

131. This paragraph does not pertain to this Defendant and therefore no response is required.

K. Marchia Ballot Draw/Ballot Placement

132. This paragraph does not pertain to this Defendant and therefore no response is required.

133. This paragraph does not pertain to this Defendant and therefore no response is required.

134. This paragraph does not pertain to this Defendant and therefore no response is required.

135. This paragraph does not pertain to this Defendant and therefore no response is required.

136. This paragraph does not pertain to this Defendant and therefore no response is required.

137. This paragraph does not pertain to this Defendant and therefore no response is required.

138. This paragraph does not pertain to this Defendant and therefore no response is required.

139. This paragraph does not pertain to this Defendant and therefore no response is required.

140. This paragraph does not pertain to this Defendant and therefore no response is required.

141. This paragraph does not pertain to this Defendant and therefore no response is required.

L. McMillian Ballot Draw/Ballot Placement

142. This paragraph does not pertain to this Defendant and therefore no response is required.

143. This paragraph does not pertain to this Defendant and therefore no response is required.

144. This paragraph does not pertain to this Defendant and therefore no response is required.

145. This paragraph does not pertain to this Defendant and therefore no response is required.

146. This paragraph does not pertain to this Defendant and therefore no response is required.

147. This paragraph does not pertain to this Defendant and therefore no response is required.

148. This paragraph does not pertain to this Defendant and therefore no response is required.

149. This paragraph does not pertain to this Defendant and therefore no response is required.

150. This paragraph does not pertain to this Defendant and therefore no response is required.

151. This paragraph does not pertain to this Defendant and therefore no response is required.

M. Bergen and Hudson County Ballot Draw/Ballot Placement and Spezakis Upcoming Primary

152. This paragraph does not pertain to this Defendant and therefore no response is required.

153. This paragraph does not pertain to this Defendant and therefore no response is required.

a. Bergan County Ballot Draw/Ballot Placement

154. This paragraph does not pertain to this Defendant and therefore no response is required.

155. This paragraph does not pertain to this Defendant and therefore no response is required.

156. This paragraph does not pertain to this Defendant and therefore no response is required.

157. This paragraph does not pertain to this Defendant and therefore no response is required.

158. This paragraph does not pertain to this Defendant and therefore no response is required.

159. This paragraph does not pertain to this Defendant and therefore no response is required.

160. This paragraph does not pertain to this Defendant and therefore no response is required.

b. Hudson County Ballot Draw/Ballot Placement

161. This paragraph does not pertain to this Defendant and therefore no response is required.

162. This paragraph does not pertain to this Defendant and therefore no response is required.

163. This paragraph does not pertain to this Defendant and therefore no response is required.

164. This paragraph does not pertain to this Defendant and therefore no response is required.

165. This paragraph does not pertain to this Defendant and therefore no response is required.

166. This paragraph does not pertain to this Defendant and therefore no response is required.

167. This paragraph does not pertain to this Defendant and therefore no response is required.

CLAIMS FOR RELIEF

COUNT I

U.S. Const. Amend I and XIV, 42 U.S.C. § 1983

**Violation of Plaintiffs' First and Fourteenth Amendment
Rights Under Federal Constitution
(Right to Vote/Vote Dilution)**

168. The answering Defendant repeats the answers to the prior allegations as if the same were set forth at length herein.

169. This paragraph does not pertain to this Defendant and it contains conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

170. This paragraph does not pertain to this Defendant and it contains conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

171. This paragraph does not pertain to this Defendant and/or it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore,

Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

172. This paragraph does not pertain to this Defendant and/or it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

173. This paragraph does not pertain to this Defendant and/or it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

174. This paragraph does not pertain to this Defendant and/or it contains conclusions to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

175. This paragraph does not pertain to this Defendant and/or its statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

176. This paragraph does not pertain to this Defendant and/or it contains statements and conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

177. With regard to portions of this paragraph that do not pertain to this Defendant and/or that contain statements and conclusions, as opposed to allegations, to which no response is required, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, Defendant admits only to duties as bound or prescribed by law and denies any wrongdoing.

178. With regard to portions of this paragraph that do not pertain to this Defendant and/or contain statements and

conclusions, as opposed to allegations, to which no response is required, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

179. Defendant neither admits or denies and leaves Plaintiffs to their proofs.

180. With regard to portions of this paragraph that do not pertain to this Defendant and/or contain statements and conclusions, as opposed to allegations, to which no response is required, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

181. This paragraph does not pertain to this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

182. This paragraph does not pertain to this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore,

Defendant neither admits or denies and leaves Plaintiffs to their proofs.

COUNT II

U.S. Const. Amend I and XIV, 42 U.S.C. § 1983

**Violation of Plaintiffs' First and Fourteenth
Amendment Rights Under Federal Constitution
(Equal Protection)**

183. The answering Defendant repeats the answers to the prior allegations as if the same were set forth at length herein.

184. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

185. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to

contain factual allegations directed against this Defendant, denied.

186. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

187. The ballots speak for themselves. Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

188. With regard to this Defendant only, to the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, the ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law. With regard to any other allegations, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

189. With regard to this Defendant only, to the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, the ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law. With regard to any other allegations, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

190. With regard to this Defendant only, to the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, the ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law. With regard to any other allegations, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

191. With regard to this Defendant only, to the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied. With regard to any other allegations, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

192. With regard to this Defendant only, to the extent the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant,

denied. With regard to any other allegations, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

193. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

194. With regard to any specific allegations against this Defendant with regard to constitutional injuries, denied.

COUNT III

U.S. Const. Amend I and XIV, 42 U.S.C. § 1983

**Violation of Plaintiffs' First and Fourteenth
Amendment Rights Under Federal Constitution
(Freedom of Association)**

195. The answering Defendant repeats the answers to the prior allegations as if the same were set forth at length herein.

196. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to

contain factual allegations directed against this Defendant, denied.

197. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent that the allegations contained in this Paragraph can be construed to contain factual allegations directed against this Defendant, denied.

198. This paragraph contains allegations against other Defendants and legal conclusions to which no response is required. The ballots speak for themselves and the Defendant admits only to duties as bound or prescribed by law. To the extent the allegations contained in this paragraph can be construed to contain factual allegations directed against this Defendant, denied.

199. This paragraph does not pertain to this Defendant; therefore, no response is required.

200. This paragraph does not pertain to this Defendant; therefore, no response is required.

201. This paragraph does not pertain to this Defendant; therefore, no response is required.

202. This paragraph does not pertain to this Defendant; therefore, no response is required.

203. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

204. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this paragraph can be construed to contain factual allegations directed against this Defendant, denied.

205. This paragraph contains allegations against other Defendants, to which no response is required.

206. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations

contained in this paragraph can be construed to contain factual allegations directed against this Defendant, denied.

207. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

208. Defendant denies any allegations regarding constitutional injuries. With regard to any remaining statements and legal conclusions, no response is required and/or Defendant leaves Plaintiffs to their proofs.

COUNT IV

U.S. Const. Art. I, § 4, cl. 1, 42 U.S.C. § 1983

Violation of Elections Clause Under Federal Constitution

209. The answering Defendant repeats the answers to the prior allegations as if the same were set forth at length herein.

210. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

211. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

212. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

213. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

214. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

215. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is

required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

216. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

217. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this paragraph can be construed to contain factual allegations directed against this Defendant, denied.

218. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this paragraph can be construed to contain factual allegations directed against this Defendant, denied.

219. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal

conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs. To the extent the allegations contained in this paragraph can be construed to contain factual allegations directed against this Defendant, denied.

220. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

221. This paragraph does not contain specific allegations against this Defendant and/or it contains statements and legal conclusions, as opposed to allegations, to which no response is required; therefore, Defendant neither admits or denies and leaves Plaintiffs to their proofs.

COUNT V

42 U.S.C. § 1983

Violation of Civil Rights

222-225. These claims against this Defendant have been dismissed.

WHEREFORE, this Defendant respectfully asks this Court to enter a Judgment DISMISSING all claims in this action against this Defendant and awarding this Defendant attorney fees and coast associated with the defense of this matter and any relief that the Court deems just and proper under the circumstance of this case.

SEPARATE DEFENSES

1. The Complaint fails to state a cause of action, and this Defendant reserves the right to move to dismiss on that ground.
2. Plaintiffs' complaint fails to state a claim upon which relief can be granted.
3. Plaintiffs cannot establish that they have been disenfranchised with regard to the right to vote.
4. The Defendant is immune from suit by virtue of the applicable Statutes of the State of New Jersey.
5. Defendant did not breach any duty which may have been owed to Plaintiffs in this action.
6. In the event that any action of the Defendant deprived or caused the deprivation of Plaintiffs' state or federally protected rights, or any other rights, which the Defendant denies, then and in that event, all such actions of the

Defendant were taken in good faith and with a reasonable belief that such actions were lawful.

7. This action is barred by reason of the Statutory Immunity of the Defendant and Defendant reserves the right to move to dismiss the Complaint on that ground.
8. Defendants have not deprived Plaintiffs of any right or privilege secured to them by the United States Constitution, the laws of the United State or any Act of Congress.
9. Plaintiffs have suffered no harm or damages.
10. Any damages alleged by Plaintiff in their complaint were the result of actions or inactions of others over whom the answering Defendant had no control, right of control, or legal liability.
11. Plaintiffs have delayed seeking a remedy and must be barred from the requested relief.
12. The answering Defendant performed each and every common law, contractual and/or statutory duty owed to Plaintiffs and breached no common law, contractual, and/or statutory duty owed to plaintiff.
13. Plaintiffs' complaint is barred by the doctrine of estoppel, waiver and/or laches.

14. The Defendant is a public entity and Plaintiffs' claims against this Defendant are barred, limited and/or controlled by the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq.
15. Plaintiffs' damages under the doctrine of governmental immunity, and all immunities and constitutional defenses contained in the United States and the State of New Jersey Constitution.
16. The court should not exercise jurisdiction over Plaintiffs' claims because they failed to exhaust State and/or administrative remedies, including those required under R. 4:69-5.
17. Plaintiffs' Complaint is premature, unripe and speculative.
18. The Defendant reserves the right to interpose such other defenses as continuing investigation and discovery may require.
19. At all times pertinent to the allegations contained within the Plaintiffs' Complaint, any and all actions or omissions of the Defendant relating in any way to the Plaintiffs allegations involved decisions of the Defendant within an area of non-actionable governmental discretion. By virtue of said discretion, the Defendant is not liable to any party herein.

20. Defendant is entitled to qualified immunity and Plaintiffs have failed to prove malicious intent on the part of the answering Defendant sufficient to defeat a claim of qualified immunity.
21. The answering Defendant denies any conduct that would rise to a constitutional violation.
22. Plaintiffs' complaint is barred in whole or in part, as the action(s) of the answering Defendant does not rise to the level of a constitutional violation.
23. The Defendant, if involved at all, acted within the scope of his authority and in good faith in the performance of his duties.
24. The answering Defendant acted within the scope of his authority and, therefore, has governmental and official immunity.
25. At all times pertinent to the allegations contained within the Plaintiffs' Complaint, the Defendant acted reasonably and properly in the execution of this duties.
26. No malicious intent of causing a deprivation of the Plaintiffs' civil rights and/or constitutional rights has been factually set out against the answering Defendant.
27. The Defendant has no policy, scheme, practice nor custom to violate the constitutional right of any of its citizens,

nor does the Defendant have a policy, scheme, practice or custom to tolerate or permit violation of constitutional rights.

28. This Defendant reserves the right to move for a dismissal in accordance with the Rules of Court.

29. This Defendant reserves the right to apply to this Court for the imposition of sanctions against the Plaintiff pursuant to the Rules of Court, and to make an application for counsel fees and costs of suit, on the basis that the within cause of action is without merit, its frivolous and it has been instituted by the Plaintiffs in bad faith and with the intent to harass the Defendant and to cause the Defendant to incur great expenses in the defense of same.

30. This Defendant denies that Plaintiffs have suffered by virtue of the acts of the answering Defendant; and, in any event, any losses sustained by Plaintiffs by virtue thereof are de minimis, remote, speculative, and/or transient and, hence are not cognizable at law.

31. The Defendant's conduct and regulations were and are a reasonable exercise of governmental power to achieve a legitimate public purpose.

32. The Defendant is entitled to all constitutional defenses and immunities as contained in both the United States and

State of New Jersey Constitutions and cases decided thereunder.

33. The Defendant at all times acted pursuant to and in accordance with the laws and all applicable statutes and regulations.
34. The answering Defendant asserts the doctrine of legislative immunity.
35. Plaintiffs; civil rights were not violated and Plaintiffs' complaint is barred in whole or in part, as the Plaintiffs suffered no violation of their civil and/or constitutional rights.
36. Plaintiffs' complaint is barred in whole or in part due to Plaintiffs' failure to state the violation of their civil and/or constitutional rights with the requisite specificity.
37. The complaint fails to state a claim against the answering Defendant under 42 U.S.C. § 1983, in that it fails specifically to allege the answering Defendant promulgated or practiced any policy authorizing any course of conduct that violated any provision of the Constitution of the United States or laws of the United States.
38. Plaintiffs' claims are barred in whole or in part by the Entire Controversy Doctrine and/or res judicata.

39. Plaintiff's allegations are barred in whole or in part by the Doctrine of Estoppel, Equitable Estoppel, or issue preclusion.
40. Plaintiffs' claims are barred in whole or in part by the Doctrine of Laches.
41. The complaint fails to state a claim against the answering Defendant under 42 U.S.C. § 1983, because Plaintiff has not identified any protectable interest.
42. The complaint fails to state a cause of action under 42 U.S.C. § 1983, since there was no deprivation of a Federal right, nor have Plaintiffs shown that the acts or omissions were "under color of state law."
43. The Defendant, at no time pertinent to the allegations contained within the Plaintiffs' Complaint, acted intentionally, knowingly, or maliciously in such a manner so as to cause damages alleged by the Plaintiffs.
44. The claims against the answering Defendant are frivolous, groundless, without merit and do not set forth a cause of action under 42 U.S.C. § 1983 and § 1988, and the answering Defendant is entitled to counsel fees.
45. The complaint against the Defendant lacks any basis of law and fact and, accordingly, Defendant reserves their right to seek appropriate relief under Fed. R. Civ. P. 11.

46. Plaintiffs has failed to prove the existence of actual damages and their claims are barred, since there is no compensation under 42 U.S.C. § 1983 merely for an "abstract" constitutional right.
47. At all times pertinent to the allegations contained within the Plaintiffs' Complaint, the Defendant acted within the boundaries of his lawful authority.
48. The cause of action alleged by plaintiffs is not cognizable under the Civil Rights Act, 42 U.S.C. § 1983.
49. This suit is barred by the Statute of Limitations.
50. All conduct of the Defendant was reasonable, proper and within the scope of their authority.
51. All relevant statutes and regulations are consistent with the Constitution of the United State and the New Jersey Constitution.
52. Plaintiffs have not suffered an invasion or deprivation of any legally protected interest that is concrete and particularized.
53. Plaintiffs' exercise of their First Amendment rights has been prohibited or proscribed.
54. The classifications, if any, created by New Jersey's Bracketing Statute is not based on a suspect class, do not

implicate a fundamental right and are supported by a rational basis.

55. A substantial governmental interest supports New Jersey's Bracketing Statute and is narrowly tailored to achieve that interest.

56. Defendant's actions were not arbitrary, capricious or unreasonable.

57. The answering Defendant reserves the right to supplement these defenses any time prior to, at, or after the time of trial.

WHEREFORE Defendant, Scott M. Colabella, in his official capacity as Ocean County Clerk, seeks the dismissal of the Complaint with prejudice and such other relief as the Court deems equitable and just.

RESERVATION OF RIGHTS

Defendant reserves the right, at or before trial, to move to dismiss the complaint and/or for summary judgment, on the ground that the complaint fails to state a claim upon which relief can be granted and/or the Defendant is entitled to judgment as a matter of law, based upon any or all of the above defenses.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the Rules of Court, Mathew B. Thompson, Esquire, of Berry, Sahradnik, Kotzas & Benson is hereby designated as trial counsel for the answering defendants.

CERTIFICATION

I certify that to the best of my knowledge there are no other pending actions or arbitration proceedings concerning the subject of this action, and that no such other actions or arbitration proceedings are contemplated at this time. I further certify that I know of no other persons who should be joined as parties in this action at this time.

**BERRY SAHRADNIK
KOTZAS & BENSON**

By s/Mathew B. Thompson
Mathew B. Thompson, Esq.

Dated: July 28, 2022